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INTERNATIONAL ORGANIZATIONS AND MULTILATERAL INSTITUTIONS AND INSTRUMENTS, INCLUDING APPROPRIATE LEGAL MECHANISMS

Programme element V.2: Contribution to consensus-building towards the further implementation of the forest principles

Report of the Secretary-General

SUMMARY

The present report describes the preparatory work on programme element V.2 (Contribution to consensus-building towards further implementation of the forest principles) of the work programme of the Ad Hoc Intergovernmental Panel on Forests and provides background information to facilitate the initial discussion of the programme element. While the report of the Secretary-General on programme element V.1 (E/CN.17/IPF/1996/23) focuses on international organizations and multilateral institutions relevant to forests and forest-related activities, the present report concentrates on the appropriate legal mechanisms, describes the relevance of existing instruments to the conservation, management and sustainable use of all types of forests and attempts to define areas where there are gaps and overlaps with respect to forest-related issues in these legal instruments and mechanisms.

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INTRODUCTION

1. The Commission on Sustainable Development, in determining the terms of reference of the Ad Hoc Intergovernmental Panel on Forests, decided, inter alia, that the work being carried out by international organizations and multilateral institutions and under existing instruments, including the Convention on Biological Diversity, the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, the United Nations Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the International Tropical Timber Agreement, in forest-related issues had to be taken into account, as had forest-related decisions of the United Nations Conference on Environment and Development. 1/

2. Subsequently, the Ad Hoc Intergovernmental Panel on Forests agreed at its first session that, under category V of its programme of work (International organizations and multilateral institutions and instruments, including appropriate legal mechanisms), preparations would include a report presenting an overview and description of existing institutions and instruments, including their role and mandates vis-à-vis programme elements I-IV, and identifying institutional linkages, gaps, areas requiring enhancement, and any areas of duplication (E/CN.17/IPF/1995/3, para. 18, sect. V.1).

3. It was also agreed that "the deliberation of this programme element would be based on a step-by-step consensus-building process and would be an item for substantive discussion at the fourth session of the Panel" (E/CN.17/IPF/1995/3, para. 18, sect. V.2).

4. At its second session, the Panel took note of the report of the Secretary-General on programme element V.1 (E/CN.17/IPF/1996/12). The report described the progress made in the preparatory work. It included a general overview of the issue, a short update of the current status and a description of the range of considerations involved in preparing for the substantive discussion of the programme element at the Panel's third session.

5. The present report is complementary to the objective of programme element V.1, and is intended to present background information on the existing legal instruments relevant to the conservation, management and sustainable use of all types of forests. It provides an overview of the Panel's programme of work in relation to the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles) agreed upon at the United Nations Conference on Environment and Development. It also provides an overview and description of existing international legal instruments relevant to forests.

6. The report, which was prepared by the Human Development Institutions and Technology Branch of the Division for Sustainable Development of the Department for Policy Coordination and Sustainable Development as task manager for chapter 39 (International legal instruments and mechanisms) of Agenda 21, in close consultation with the secretariat of the Ad Hoc Intergovernmental Panel on

Forests, makes a preliminary attempt to identify overlaps and gaps for the consideration of the Panel. It does not contain any proposals for action.

RELEVANCE OF EXISTING LEGAL INSTRUMENTS TO THE CONSERVATION, MANAGEMENT AND SUSTAINABLE USE OF ALL TYPES OF FORESTS

7. To achieve an overview of the relevance of existing international legal instruments to the conservation, management and sustainable use of all types of forests and their relation to issues on the global forest agenda, the present report provides a comprehensive summary of multilateral instruments that are relevant to forest use and conservation. The first step includes a clustering of the Forest Principles and the Panel's work programme, which allows for identifying areas of activity required for conservation, management and sustainable use of forests (see table 1).

A. Priority actions on forests

8. The agenda outlined here is drawn from documents on forest-related issues agreed to by the international community during the past few years, in particular the Forest Principles, chapter 11 (Combating deforestation) of Agenda 21 and the Panel's work programme. Five broad areas are identified: conservation, management and sustainable use of forests; research and assessment; trade in forest products; finance, policy and institutions; and cooperation and coordination. While most actions in these areas are to be undertaken at the national level, international coordination and support play a key role and facilitate implementation at the national level.

9. The Forest Principles and the Panel's work programme allow for the clustering of components and areas, as follows:

1. Conservation, management and sustainable use of forests

   (a) Protected areas establishment; unique ecosystems

   (b) Protection of soil, water and climate functions of forest lands

   (c) Restoration of forest ecosystems affected by drought/pollution

   (d) Sustainable use; forest and land-use plans

   (e) Participation of all stakeholders in decision-making

   (f) Protection of traditional forest-related knowledge and practices

2. Research and assessment

   (g) Assessment of forest quality and quantity (at the national and international levels)

(h) Valuation of multiple benefits and development of methodologies for such valuation

(i) Criteria and indicators for sustainable forest management (globally agreed; nationally and locally implemented)

3. Trade in forest products

(j) Supportive relationship between trade and sustainable forest use; cost-internalization

(k) Market access/non-discriminatory practices in the global forest-products trade

(l) Certification of sustainably managed forests and forest products

4. Finance, policy and institutions

(m) Financial resources and mechanisms (at the national and international levels)

(n) Technology transfer

(o) Capacity-building, institutional reform and policy formulation (at the national level)

5. Cooperation and coordination

(p) Intersectoral coordination

(q) Cross-sectoral coordination; impacts on forests (national and international)

(r) International institutional cooperation and policy coordination

10. Table 1 shows how these five areas and their components are derived from the Forest Principles and the Panel's work programme.

Table 1. Identification of areas that might be relevant for an overall assessment of forest-related issues, derived from the Forest Principles and the work programme of the Ad Hoc Intergovernmental Panel on Forests

FOREST PRINCIPLES	IPF WORK PROGRAMME	COMPONENTS	AREAS
4, 7(b), 8(a), 8(f)	I.5	Protected Areas/ Unique Ecosystems	Conservation, Management and Sustainable Use of Forests
6(d), 8(e)	I.1	Soil, Water and Climate Functions	
2(b), 8(a), 15	I.4	Restoration of Drought - Affected Ecosystems/ Pollution	
2(a), 2(b), 3(a), 6(b) 6(d), 8(g)	I.1	Sustainable Use, Forest and Land Use Plans	
2(d), 5(a), 5(b)	I.1	Participation	
5(a), 12(d)	I.3	Traditional Knowledge	
2(c), 12(a), 12(c)	III.1(a)	Assessment of Quantity and Quality	Research and Assessment
6(c)	III.1(b)	Valuation of Multiple Benefits	
8(d)	III.2	Criteria and Indicators	
13(c)	IV	Supportive Environment, Trade Relationship/Cost Internalization	Trade in Forest Products
9(a), 13(a), 13(b), 14	IV	Market Access	
	IV	Certification	
1(b), 7(b), 8(c), 8(g), 9(a), 10, 11, 12(d)	II	Financial Resources	Finance, Policy and Institutions
8(c), 8(g), 11	II	Technology Transfer	
3(a), 12(b), 12(d)	I.1	Institutional Capacity-Building	
3(c)	I.2	Intra-Sectoral Coordination	Cooperation and Coordination
Preamble (c), 2(b), 7(a), 8(h), 9(a), 9(c), 13(d), 13(e)	I.2	Cross-Sectoral Coordination	
3(b)	V.1	International Institutional Cooperation and Coordination	

B. Overview and description of existing international legal instruments relevant to forests

11. With the components of a forest agenda identified, a number of international instruments relevant to that agenda are examined, as suggested by the Panel (see para. 2 above). They include the following:

Convention on Biological Diversity (Biodiversity, CBD);

International Tropical Timber Agreement (ITTA);

United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (Desertification);

United Nations Framework Convention on Climate Change (Climate change, UNFCCC);

Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).

12. Further, the following international legal instruments are also incorporated in the overview:

Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar);

UNESCO Convention for the Protection of the World Cultural and Natural Heritage (World Heritage);

General Agreement on Tariffs and Trade/World Trade Organization (GATT/WTO);

Convention Concerning Indigenous and Tribal Peoples in Independent Countries (Indigenous People) (ILO Convention No. 169).

13. The analysis is limited to multilateral global instruments, and thus no regional instruments have been included. This does not pre-empt their significance in relation to forests. For example, there are many regional environmental conservation conventions that, by their nature, include forests. However, in order to facilitate comparison and identification of possible gaps and overlaps on a global scale, only global instruments are included.

14. None of the instruments listed above were specifically developed with a direct orientation towards sustainable forest management, but they have or may have a strong influence on the conservation, management and sustainable use of forests.

15. An overview of these multilateral legal instruments is given in table 2. Information is provided on the status of the instrument; its scope and objectives; the general relationship to forest conservation, management and use; provisions with particular relevance to forests; recent debates in the framework

of the instrument and operational effectiveness; and its potential role in a comprehensive forest strategy.

16. Table 3 provides an overview of the main areas of the Panel's work programme that are covered by the international instruments shown in table 2. Table 3 also indicates areas where there may be gaps and overlaps between the legal instruments. It should be noted that the areas covered by each instrument are formulated in accordance with the chief objectives of the instrument. For example, ITTA applies only to tropical timber, and the reference to traditional knowledge under the Biodiversity Convention refers mainly to issues related to biological diversity, and not to forests in particular. Table 4 indicates links between programme elements of the Panel's work programme and chapter 11 of Agenda 21.*

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* The relevant paragraphs of chapter 11 of Agenda 21 as identified by Diana Ponce Nava in "Overview of international legal instruments related to forests", draft paper prepared for discussion by the Independent Expert Group of the Swiss-Peruvian Initiative on Forests, June 1996.

Table 2. Existing international legal instruments related to forests

INSTRUMENT status	Scope and objectives	General relationship to forest conservation, management and use	Provisions with particular relevance to forests	Recent debates and operational effectiveness; potential role in a comprehensive forest strategy
Biodiversity (CBD) • Adopted May 1992 • Entry into force 29.12.1993 • 168 Signatories, 152 Parties (July 1996)	Worldwide; to conserve biological diversity, to sustainably use its components, and to share fair and equitably the benefits arising out of the utilization of genetic resources; Biological diversity includes diversity within species, between species and of ecosystems, including terrestrial, marine, and other aquatic ecosystems.	Since a large component of the world's terrestrial biodiversity is found in forests (forests are estimated to contain 70 per cent of the world's plant and animal species), conservation and sustainable use of terrestrial biodiversity can coincide, in some instances, with the conservation and sustainable use of forests.	Articles 6 and 10(a) call for development of national strategies for *in situ* conservation of biological diversity, their inclusion into cross-sectoral plans, and national decision-making. Article 14 calls for Environmental Impact Assessment to assess cross-sectoral impacts on biodiversity. Article 8, paras. (a),(b) and (c) call for setting aside protected areas, and protecting unique and threatened ecosystems. Articles 16, 18, and 21 call for technology transfer, scientific cooperation, and new and additional financial assistance to developing country Parties to meet the agreed full incremental costs of implementing the convention.	Terrestrial biodiversity is on the agenda for discussion at COP3 (November 1996), there will be renewed debate on the relationship of the CBD to forests. The CBD can effectively address certain conservation and use-related forest needs. In sofar as "sustainable use" can be operationalized, it will move debate in this key area forward. The focus on biodiversity, however, precludes much discussion on other key areas of concern on the global forest agenda, like multiple benefits provided by forests, market access for forest products, and non-discriminatory trade practices.
ITTA • Adopted 1983 • Entry into force 1.4.1985 • Expired 31.3.1994 • Renegotiated from 1992-1994 • Successor Agreement adopted 26.1.1994 • 44 Signatories, 36 Parties (July 1996) • *Not yet in force*; • Will be reviewed 4 years after entry into force	Membership of International Tropical Timber Organization restricted to producers and consumers of tropical hardwood timber; a commodity agreement to facilitate the trade in tropical timber, and ensure exports from sustainable sources by the year 2000.	Trade in timber can fuel over-exploitation and loss of forest cover if undertaken for short-term gain, or it can prevent conversion to competing land uses, if cost-internalization and long-term sustainability is achieved.	Article 1(b) provides "a forum for consultation to promote non-discriminatory timber trade practices". Article 1(d) seeks "to enhance the capacity of members to implement a strategy for achieving exports of tropical timber from sustainably managed sources by the year 2000". Article 1(i) encourages "...reforestation and forest management activities as well as rehabilitation of degraded forest land, with due regard for the interests of local communities dependent on forest resources". Article 36 provides that nothing in the Agreement authorizes the use of measures to restrict or ban international trade in timber and timber products.	Incorporation of the (non-binding) Objective 2000 by both producer and consumer countries (the latter in a separate statement attached to the ITTA) has fuelled debate and action on internationally-agreed criteria and indicators by which to measure sustainability. ITTA is also one of the key fora for on-going timber certification debates.

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Desertification • Adopted June 1994 • *Not yet in force*; requires 50 ratifications • 115 signatures, 34 Parties (July 1996)	Worldwide, with special emphasis on Africa; to combat desertification and mitigate the effects of drought; involving long-term strategies that focus on improved productivity of land and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.	Loss of forest cover contributes to desertification, given the hydrological, climate and soil stabilization functions performed by forests. In addition to this biological link, forest loss and desertification are linked in that they are both caused by underlying socio-economic conditions. Strategies to deal with desertification are likely to mitigate forest loss in certain areas, and vice-versa.	Article 8.3(b)(i) of the Regional Implementation Annex for Africa states as one of the measures to conserve natural resources the "integrated and sustainable management of natural resources", including forests. Article 4(c) of the Regional Annex for Latin America and the Caribbean suggest to take into account the "management of agricultural, livestock-rearing, forestry and multipurpose activities". Article 10.4 calls for national action programmes to address a range of issues, including "the promotion of alternative livelihoods, and improvement of national economic environments".	The convention emphasizes the need for integrated, cross-sectoral responses to the problem of land degradation. It is also noteworthy in its emphasis on human needs in formulating desertification control strategies. Article 8 of the Convention refers to the need for coordination with other conventions, in particular CBD and UNFCCC. It is foreseen that the Convention will enter into force in 1997. The operational effectiveness of the convention will depend upon the provision of adequate financial resources, and the policy and institutional reforms necessary to implement its provisions and Annexes.
Climate Change (UNFCCC) • Adopted May 1992 • Entry into force 21.3.1994; • 166 Signatories, 159 Parties (July 1996)	Worldwide: to stabilize greenhouse gas concentrations in the atmosphere; and thereby prevent human-induced global warming.	Since standing forests serve as both reservoirs of carbon, and sinks for atmospheric carbon dioxide, maintaining or increasing forest cover can mitigate the threat of climate change, by reducing the level of greenhouse gases in the atmosphere.	Article 4.1(d) calls for the "enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including ... biomass, forests, and oceans..." Article 4.1(a) calls on all Parties to develop "national inventories of anthropogenic emissions by sources, and removals by sinks" of all greenhouse gases. Article 4.2 (a) and (b) call on developed countries to stabilize emissions to 1990 levels by 2000, and allows this to be achieved "individually or jointly."	Joint implementation is one of the more contentious provisions of the Convention. As agreed by COP1 in 1995, joint activities in a pilot phase would be voluntary, and would not replace existing sources of funds or technical assistance for developing countries. While maintenance or enhancement of forest cover for carbon sequestration meets certain forest-related needs, it is useful only if part of a broader framework, where the other socio-economic and ecological functions of forests are not ignored.

CITES • Adopted 1973 • Entry into force 1.7.1975 • 132 Parties (June 1996)	Worldwide; to protect certain endangered species of wild flora and fauna from over-exploitation via a system of import/export permits.	Given the potential for over-exploitation of an endangered tree species as a result of trade, regulation of trade can be an important mechanism by which to ensure sustainable extraction and use.	Article II lays out the principles governing the listing of a species in one of CITES three appendices, from most restrictive trade regime to least so. Other articles describe the permit system, monitored by a State's management and scientific authority, by which trade in listed species is to be regulated.	There are approximately 15 tree species currently listed in CITES appendices. At the last few meetings of the COP it was debate to move certain species of African and American mahogany in Appendix II. Timber certification is also being debated under CITES. In 1994, a temporary Timber Working Group has been created.
Ramsar • Adopted 1971 • Entry into force 21.12.1975 • Protocol to amend the Convention adopted in 1982, entered into force 1.10.1986 • 92 ratifications as of 1996	Worldwide; to protect wetlands, recognizing the fundamental ecological functions and their economic, cultural, scientific and recreational values.	Wetlands include intertidal forested lands, including mangrove swamps, nipa swamps, tidal freshwater swamp forests, and seasonally flooded forests (1990 Revised Ramsar site criteria and guidelines).	Article 1 defines wetlands, including the forested areas mentioned in the second column. Article 2 calls for Parties to designate wetlands of international importance within their territories; and Article 3 calls for conservation and wise use of these areas.	At present, over 775 wetlands have been identified, totalling approximately 53 million hectares. The convention contributes to the forest agenda by raising awareness about, and helping to conserve, some of the unique and threatened forest ecosystems.
World Heritage • Adopted 1972 • Entry into force 17.12.1975 • 146 Parties (July 1996)	Worldwide; to establish an effective system of collective protection of cultural and natural heritage of outstanding universal value, in accordance with modern scientific methods.	Natural heritage includes unique landscapes, land formations, and ecosystems types. Forests fall under this category.	In defining "natural heritage" Article 2 includes "habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation". Article 4 calls on States to identify, protect, conserve, and transmit to future generations their cultural and natural heritage.	Approximately 30 forests had been designated as World Heritage sites as of 1995. While recognizing State sovereignty over these sites, the convention is unique in highlighting the international stake in them, and the global responsibility for their protection.

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GATT/WTO • Entered into force in 1948 • Additional Uruguay Round Agreements (URAs) signed 15 April 1994. They provide inter alia for the creation of a new WTO, and include the Agreement on Technical Barriers to Trade (ATBT) • GATT ceased to exist 31 December 1995 • 123 Members to WTO (July 1996)	Worldwide; the chief objective of GATT/ WTO is to provide a secure and predictable trading environment, as well as a continuing process of market opening, in order to promote worldwide economic growth. It is based on three key principles: the most favoured nation obligation (Article I), the national treatment obligation (Article III) and the prohibition on quantitative measures (Article XI).	See also under ITTA. Trade liberalisation can have both positive and negative effects on the exploitation of natural resources. Further, the URAs will result in reductions in tariff barriers to trade in wood and wood products (pulp, paper, furniture), which will result in higher prices to producers, and/or trade creation brought about by lower prices to consumers. Environmental problems stem mainly from the logging stage.	Article XX, which is subject to different legal interpretations, provides in its paras. (b) and (g) for exceptions to GATT obligations for certain specified purposes: para. (b), inter alia, to protect plant life, and para. (g) for measures "relating to the conservation of exhaustible natural resources". The preamble to Article XX states that its exceptions may not be applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised restriction on international trade. The exceptions of Article XX come into consideration for environmental or other purposes when a national measure raises a bound tariff without compensation, imposes a quota, denies national treatment or otherwise infringes a benefit accorded to another party.	There is an ongoing debate on how certain WTO rules should be interpreted, and possibly changed, to reflect environmental concerns. For example, the circumstances under which countries are permitted to use trade measures to protect the environment, and the scope of the exceptions for environmental measures provided by Art. XX are still controversial. Also under discussion is the inclusion of trade restrictions in future multilateral environmental agreements. - The ATBT covers technical regulations concerning products and their process and production methods. It is not clear if schemes for certification and eco-labelling of products made of sustainably produced timber will be subject to the ATBT. - FPs 13 and 14 are considered to be broadly consistent with the principles and practices of GATT and WTO.
Indigenous People • Adopted in 1989 by the General Conference of the ILO (328 votes in favour, 1 against, 49 abstentions) • Revises the Indigenous and Tribal Populations Convention of 1957 • Entry into force 5.9.1991 • 9 ratifications as of July 1996	Worldwide; Parties undertake the responsibility for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of indigenous and tribal people and to guarantee respect for their integrity.	Many indigenous and tribal peoples live in forests. They aspire to exercise control over their own ways of life and economic development, and make distinctive contributions to ecological cooperation and understanding.	Article 15.1 states that the rights of people "to the natural resources pertaining to their lands shall be specially safeguarded", and this includes the right "to participate in the use, management and conservation of these resources"; Article 7 provides for Governments to "take measures, in co-operation with the peoples concerned, to protect and preserve the environment of territories thy inhabit"; Article 23 states that technical and financial assistance shall be provided wherever possible, "taking into account the traditional technologies and cultural characteristics of these peoples".	A comprehensive forest strategy should include reference to participation of indigenous people in national land use plans and programmes in implementing the Forest Principles (IPF Work Programme I.1); the traditional forest-related knowledge, innovations and practices of indigenous people, as well as fair and equitable sharing arising from these, are encouraged to be taken into account (IPF Work Programme I.3). This is in accordance with Forest Principles 5(a) and 12(d).

Table 3. Forest-related issues and actions identified in the programme of work of the Ad Hoc Intergovernmental Panel on Forests and covered by existing international legal instruments: a preliminary overview of gaps and overlaps

	I.1 Forest and land use strategies/ participation	I.2 Underlying causes of forest loss	I.3 Tradit. forest-related-knowledge	I.4 Rehab. affected areas/ airborne pollution	I.5 Low forest cover, unique ecosystems	II Finance, technology transfer, international coordination	III.1 Research and valuation	III.2 Criteria and indicators	IV Trade in forest products	V.I Intern. institut-ions/leg. instr.
Biodiver-sity	✓	✓	✓✓	✓	✓✓	✓	✓			✓
ITTA	✓	✓				✓	✓	✓	✓✓	
Desertific -ation	✓	✓✓	✓	✓✓		✓			✓	✓
Climate Change						✓	✓	✓		
CITES									✓✓	
Ramsar	✓				✓		✓			
World Heritage		✓			✓	✓		✓		
GATT/WTO							✓	✓	✓✓	✓
Indigenous people	✓		✓✓							
Overlaps	▪	▪	▪	▪	▪	▮	▪	▪	▮	▪
Gaps	o	o	▫	▫	▫	o	o	o	o	▫

KEY:

✓ = partially covered
✓✓ = well-covered
▪ = some overlap
▮ = significant overlap
o = some gaps
▫ = significant gaps

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Table 4. Links between chapter 11 of Agenda 21 and programme elements of the work programme of the Ad Hoc Intergovernmental Panel on Forests

Agenda 21 Chapter 11 (paras.)	4 (a) 10 11 12 (b) 14 (a) 14 (b) 31 (a)	1 10 13 (j) 21 (a)	3 (g) 4 (a) 13 (b) 14 (d)	1 3 (g) 10 15 (b)	8 (b)	4 24 5 25 6 26 12(b) 28 12(e) 32 14(c) 33 16 34 17 36(e) 18(a) 38 19 39 22(g) 40	1 2 3 4 (a) 13 14 17 20 21 31	3 (d) 22 (d) 23 26 29 31 (b) 33 (a)	3(g) 10 13(e) 20 21 (b) 22 (g) 22 (k) 23 (c) 23 (d) 24 Section D	1 3 5 12 (e) 15 (d) 24 26 31 35 39
IPF Programme Elements	I.1 Forest & land use strategies/ participation	I.2 Underlying causes of forest loss	I.3 Tradit. know-ledge	I.4 Rehab. affected areas/ airborne pollution	I.5 Low forest cover, unique ecosystems	II Finance, technology transfer, internat. coordination	III.1 Research and valuation	III.2 Criteria and indicators	IV Trade in forest products	V.1 International institutions/ legal instrument

C. Existing international legal instruments - overlaps and gaps with respect to forest-related issues: preliminary observations

17. Given the scope and substantive content of the nine legal instruments examined above, overlaps and gaps in their treatment of forest-related issues can be identified in a preliminary way, as set out below:

Overlaps

18. There is a presumable overlap in issues related to finance, technology transfer and international coordination. Several instruments contain provisions on such issues. They vary from encouraging coordination of activities with other international agreements, to the provision of financial resources to developing country parties to facilitate compliance.

19. Trade in forest products can be viewed as another area in which there are overlaps. Distinct instruments cover various facets of trade in forest products and services, varying from endangered tree species to tropical hardwood timber. However, there is a general lack of synergy between trade-related instruments and environmental conventions at the international level.

20. Another apparent area of overlap is in actions calling for the conservation of natural resources, including forest lands. Most environmental legal instruments are conservation-oriented. Although not specifically aimed at forests, they may include forest lands or unique types of forests.

Gaps

21. It could be concluded that there is a gap regarding the lack of international coordination with regard to forest-related activities, including lack of coordinated policy formulation at the global level, and lack of coordinated financial assistance for conservation and sustainable management. None of the existing international legal instruments, as they currently stand, may have the potential to fully ensure a coordinated approach in international policy, financial issues and integration at the institutional level regarding forests and forest-related activities. A variety of plans and strategies are currently required to meet the objectives of each individual agreement, which might be competing. They also raise concerns regarding bureaucratic and financial burdens, especially for developing countries.

22. Among the most evident gaps is the lack of provision in existing legal instruments for reliable information on forest quantity and quality, including a lack of information on the multiple benefits provided by forests, as well as valuation methodologies. These are critical components of the Forest Principles, chapter 11 of Agenda 21 and the Panel's work programme. Comprehensive and coordinated research and assessment activities with regard to forests and forest-related activities are not mandated by any existing international legal instrument.

23. In the area of management and sustainable use of forests, incentive systems, the involvement of the private sector, multinational codes of conduct,

and environmental impact assessments that can discern cross-sectoral impacts on forests are not well covered within the Forest Principles, the Panel's work programme, or any other legal instrument. While the Convention on Biological Diversity calls for private sector involvement and incentive systems with regard to biodiversity, the focus is directed more at issues relating to access to genetic resources and the role of the biotechnology industry than at general private sector involvement in the transition to sustainable forest management.

24. The protection and use of traditional forest-related knowledge and its application to sustainable forest management is not covered by existing international legal instruments. The Convention on Biological Diversity and especially the Convention Concerning Indigenous and Tribal Peoples in Independent Countries include provisions which recognize the importance of indigenous and traditional knowledge in general, not pertaining to forests in particular.

25. There is at present no global international legal instrument addressing the specific needs and requirements of countries with low forest cover, or concerning the effects of airborne pollution on forests.

Notes

1/ Official Records of the Economic and Social Council, 1995, Supplement No. 12 (E/1995/32), chap. I, sect. D, annex I; and E/CN.17/IPF/1995/3, annex III.

Annex

STUDIES DEALING WITH FORESTS AND INTERNATIONAL LEGAL INSTRUMENTS AND WITH INTERNATIONAL COORDINATION FOR SUSTAINABLE FOREST MANAGEMENT

The present annex contains a list of studies having a bearing on elements V.1 and V.2 of the Panel's work programme. These studies, together with the texts of international instruments related to forests, could provide useful background for further work in this area.

"Report of the Independent Expert Group: Swiss-Peruvian Initiative on Forests", final draft version, July 1996; meetings held at Geneva, 4-7 March and 24-28 June 1996.

"Overview of international legal instruments related to forests", draft paper prepared by Diana Ponce Nava for discussion by the Independent Expert Group of the Swiss-Peruvian Initiative on Forests, June 1996.

The International Forests Regime: Legal and Policy Issues, Richard G. Tarasofsky, International Union for Conservation of Nature and Natural Resources (IUCN) Forest Conservation Series, December 1995.

"Assessing the advantages and disadvantages of a legally binding instrument on forests", FAO Committee on Forestry, Secretariat Note of January 1995, prepared for the twelfth session of the Committee, Rome, 13-16 March 1996.

"Review of the Forest Principles: 20 months after Rio", paper prepared by the United Nations Environment Programme for the FAO/UNEP Workshop on the Follow-up to UNCED and Implementation of the Forest Principles, Bangkok, 16-19 January 1995.

Issues and Ideas: Opportunities to Save and Sustainably Use the World's Forests Through International Cooperation, Nigel Sizer for World Resources Institute, December 1994.

"References to UNCED Forest Principles on the topics under consideration by the Intergovernmental Working Group on Forests (IWGF)", prepared by Kathryn Buchanan, Canadian Forest Service, for the second Meeting of IWGF, Ottawa, October 1994.

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"A Study on coordination in sustainable forestry development", paper prepared by the Forest Advisors Group, June 1993.

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